

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

FABIO LEMA,

Plaintiff,

- against -

ORDER

02-CV-6181 (NGG)

UNITED STATES OF AMERICA,

Defendant.

-----X

GARAUFIS, United States District Judge.

Plaintiff Fabio Lema filed a complaint dated September 29, 2002 pursuant to Fed. R. Crim. P. 41(a) seeking the return of certain seized property from the United States. This complaint was received in the pro se office on October 7, 2002 and was assigned docket number 02 Civ. 6064. The government filed a motion for summary judgment as to Lema's complaint, and when Lema could not be served with the motion, apparently because he had been deported by immigration authorities and had not provided the Court with an updated address, Lema's complaint under docket number 02 Civ. 6064 was dismissed for failure to prosecute.

The complaint filed in the above-captioned matter (02 Civ. 6181) appears to be an identical copy of the complaint filed under 02 Civ. 6064. The two complaints are both dated September 29, 2002. Both complaints request the return of the same amount of currency (\$1,800.00) and the same personal effects (four bank checks, one Columbian passport, military ID cards, a Columbian driver's license, one watch and one ring). Finally, both complaints were

stamped as received in the pro se office on October 7, 2002. It therefore appears that the case listed as 02 Civ. 6181 came into being as the result of an administrative error. Since it seems that Lema intended to file only a single complaint, and since in any case 02 Civ. 6181 raises identical issues to those raised in 02 Civ. 6064, the instant case is likewise dismissed. The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: May 11, 2005
Brooklyn, N.Y.

/s/ _____
Nicholas G. Garaufis
United States District Judge